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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,638	11/13/2003	Rainer Kehrle	4581	2444
21553	7590	10/01/2004	EXAMINER	
FASSE PATENT ATTORNEYS, P.A. P.O. BOX 726 HAMPDEN, ME 04444-0726			KIM, EUGENE LEE	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/713,638	Applicant(s) KEHRLE, RAINER	
	Examiner Eugene L Kim	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/13/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 6, 8, 12-18, 21, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gewiss (#4,012,932). Gewiss shows providing a material with an initial flat planar configuration¹, subjecting the material to a pretreatment process by a pre-pleating transverse longitudinal stretching of the material (col 4 lines 20+), forming folds on the upper and lower surface with a first arrangement comprising a forming assemblies 18, 19, carrying out the completing formation of folds with a second arrangement comprising belts 28, 29. Between belts 28, 29 are third arrangement means with a mechanical arrangement as claimed for transversely tightening up the folds as shown at 7 in figure 1. Means 35 with a pattern of edges are read on the post-treating step and fourth arrangement wherein the structure naturally expands and the lateral pressure causes the longitudinal pleats to tighten up (col 6 lines 20+). Gewiss shows varying length means as shown in figs 7a-7i. Gewiss do not show the post-treating step occurring after step d but rather simultaneously. It is well known in the art to perform operations either subsequently or simultaneously and is merely a matter of design choice and it would have been obvious to one of ordinary skill in the art to provide Gewiss with subsequent post-treating steps to separate elements as well as

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simultaneous transverse and longitudinal contractions to expedite the manufacturing operation. Regarding the material claimed, the examiner notes that mere selection of known materials are on the basis of suitability for intended use and would be entirely obvious. See *in re Leshin*, 125 USPQ 416 (CCPA 1960). Gewiss does not show bristle roll means to complete the folding but rather shows mechanical equivalent belt means 28, 29. Examiner takes official notice that it is well known in the art to use brush means as claimed. Gewiss discloses using superimposed sheets of stock material (col 7 lines 10+) wherein the top sheet would read on a cover means. Regarding the adjustability limitations claimed, the examiner notes that the provision of adjustability, where needed, is not a patentable advance and is entirely obvious and well known in the art.

3. Claims 7, 9-11, 19-20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gewiss in view of Ishibuchi et al (#6,136,417). Gewiss substantially shows the claimed subject matter as discussed supra but does not show the heating/cooling means as claimed as well as fluid nozzles. Ishibuchi et al show heating means as well as fluid nozzle means 6s, 6r as claimed to aid in shaping the material. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Gewiss with heating/cooling means as well as nozzle means as taught by Ishibuchi et al to aid in shaping the material.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene L Kim whose telephone number is 703 308-1886. The examiner can normally be reached on Tuesday-Friday 8 a.m. to 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eugene L Kim
Primary Examiner
Art Unit 3721